

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ELSMERE PARK CLUB, L.P.,  
a Delaware limited partnership,

Plaintiff,

v.

TOWN OF ELSMERE, a Delaware  
municipal corporation, ELLIS  
BLOMQUIST, EUGENE BONEKER,  
and JOHN GILES,

Defendants.

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Civil Action No. 04-1321 (SLR)

**JURY TRIAL DEMANDED**

**DEFENDANTS' MOTION TO EXTEND  
CERTAIN DEADLINES**

Defendants Town of Elsmere, Ellis Blomquist, Eugene Boneker and John Giles (the "Defendants"), pursuant to Rule 16 and Local Rule 16.5, hereby move for an amendment to the Order entered on November 16, 2005 (the "Scheduling Order")(D.I. 91) as set forth below. The basis for this request is as follows:

1. On November 16, 2005, the Court entered the Scheduling Order, setting forth certain discovery-related deadlines. The parties to the above-captioned litigation did not weigh-in with respect to the plausibility of accomplishing the tasks set forth within the period of time allotted. As a result, Defendants have endeavored to meet the deadline for submitting their expert report, but require additional time to do so.

2. At present, Defendants are required to submit a responsive expert report by January 31, 2006. Defendants hereby request an extension of that deadline to February 28, 2006.

3. The Scheduling Order also presently provides that expert discovery closes on February 28, 2006. In the interest of fairness, and in accordance with the request to extend the deadline for Defendants' to submit their expert report, Defendants further request an extension of the deadline for the close of expert discovery until March 14, 2006.

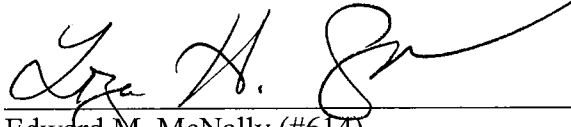
4. There is no trial or pre-trial date set in this case at present. Thus, the Court's calendar will likely be unimpacted by the proposed changes.

5. Defendants' have requested the foregoing extensions from Plaintiff but have not yet heard back from Plaintiff with respect to their position.

6. Since the entry of the Scheduling Order, no prior requests to extend this deadline have been made by either party.

WHEREFORE, for the reasons set forth herein, the Defendants pray for the entry of an Order in substantially the form attached hereto.

MORRIS, JAMES, HITCHENS & WILLIAMS LLP



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Counsel for Defendants Town of Elsmere, John Giles, Ellis  
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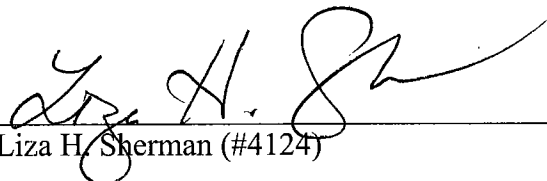
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**RULE 7.1.1 CERTIFICATION**

Pursuant to Local Rule 7.1.1, as counsel for the moving party, I hereby certify that I have made a reasonable effort to reach agreement with the opposing attorneys on the matters set forth in the attached motion.

  
\_\_\_\_\_  
Liza H. Sherman (#4124)

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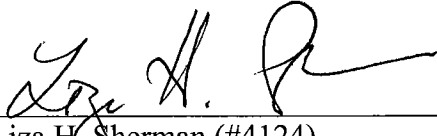
Defendants.

Civil Action No. 04-1321 (SLR)

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**CERTIFICATE PURSUANT TO RULE 16.5**

Pursuant to Local Rule 16.5, as counsel for the Defendants, I hereby  
certify that and a copy of this request has been sent to my client.

  
\_\_\_\_\_  
Liza H. Sherman (#4124)

Dated: January 30, 2006

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**JURY TRIAL DEMANDED**

**ORDER**

Upon consideration of the Motion of Defendants Town of Elsmere, Ellis Blomquist, Eugene Boneker, and John Giles (“Defendants”) to Extend Certain Deadlines (the “Motion”), for the entry of an order extending the deadline for Defendants to serve its expert report and the expert discovery deadline, and good cause appearing therefor;

IT IS HEREBY ORDERED that:

1. Defendants’ expert reports shall be submitted on or before February 28, 2006.
2. All expert discovery shall be completed on or before March 14, 2006.
3. All other deadlines set forth in the current scheduling order shall remain unchanged.

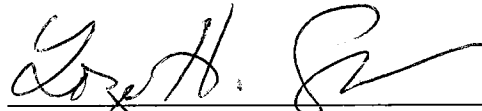
Dated: \_\_\_\_\_, \_\_\_\_\_, 2006

\_\_\_\_\_  
Sue L. Robinson  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on January 30, 2006, I electronically filed Defendants Town of Elsmere, Ellis Blomquist, Eugene Boneker and John Giles' Motion To Extend Certain Deadlines with the Clerk of the Court using CM/ECF, which will send notification of such filing to the following:

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Attorneys for Defendants Town of Elsmere,  
Ellis Blomquist and Eugene Boneker

Dated: January 30, 2006